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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

UNITED STATES OF AMERICA, Plaintiff, v. DESMOND JORDAN, Defendant.	Defendant's Motion to Suppress and Request for Evidentiary Hearing Case No. 2:19-cr-00125-CW Hon. Clark Waddoups
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Desmond Jordan, through undersigned counsel and pursuant to Federal Rule of Criminal Procedure 12 and the Fourth Amendment to the United States Constitution, respectfully moves this Court to suppress all evidence obtained during a traffic stop on February 28, 2019. The police exceeded the scope of the initial stop and unlawfully prolonged Mr. Jordan's detention, and then searched his car without a warrant or probable cause. Because the police detained Mr. Jordan and searched his car without legal justification, the Court must suppress all fruits of this illegal state action.

Basis for Standing

Mr. Jordan challenges the legality of his seizure by police and the search of his car February 28, 2019. A defendant has standing to make these challenges. The Fourth Amendment applies “to all seizures of the person, including seizures that involve only a brief detention short of arrest.” *United States v. Brignoni-Ponce*, 422 U.S. 873, 878 (1975); *Davis v. Mississippi*, 394 U.S. 721 (1969); *Terry v. Ohio*, 392 U.S. 1 (1968). The Fourth Amendment also extends to Mr. Jordan’s own car, a piece of personal property in which Mr. Jordan had a legitimate expectation of privacy.

Evidence for which Suppression is Sought

Mr. Jordan requests that the Court suppress any and all evidence obtained as a result of the illegal seizure and search. This request includes all tangible evidence and all related fruits, including any statements made. *See Wong Sun v. United States*, 371 U.S. 471, 484-88 (1963).

Issues Raised as Grounds for this Motion

The Fourth Amendment to the United States Constitution protects the “right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” U.S. Const. amend. IV. Mr. Jordan asks the Court to suppress evidence on two grounds.

First, Mr. Jordan asserts that the police unjustifiably exceeded the scope of the

initial traffic stop and impermissibly prolonged his detention in violation of his Fourth Amendment rights. The Court must suppress all evidence gathered after, or tainted by, this illegality.

Second, Mr. Jordan asserts that the police did not have probable cause to search his car, and the canine sniff of his car was not sufficiently reliable to establish probable cause. The warrantless search of the car violated the Mr. Jordan's Fourth Amendment rights and this Court must suppress all evidence resulting from it.

Request for Hearing

Mr. Jordan requests an evidentiary hearing on this motion. Mr. Jordan further asks that he be allowed to file supplemental memoranda in support of this motion following that hearing.

Conclusion

Based on the foregoing, and after hearing testimony to be adduced from an evidentiary hearing, this Court should suppress all evidence obtained as a result of the violation of Mr. Jordan's constitutional rights.

Dated this 26th day of November, 2019.

/s/ Emily Stirba
EMILY STIRBA
Assistant Federal Public Defender